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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,344	09/28/2004	Masafumi Matsunaga	NOR-1218	5384

7590 01/10/2007  
Kevin G Rooney  
Wood Herron & Evans  
441 Vine Street  
2700 Carew Tower  
Cincinnati, OH 45202

EXAMINER
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TADESSE, YEWEBDAR T

ART UNIT	PAPER NUMBER
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1734

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,344	<b>Applicant(s)</b> MATSUNAGA ET AL.	
	<b>Examiner</b> Yewebdar T. Tadesse	<b>Art Unit</b> 1734	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 17-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/16/2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 17-20, 23, 25 and 26 rejected under 35 U.S.C. 102(b) as being anticipated by Strecker (US 6,691,895).

As to claims 17 and 23, Strecker discloses (see Figs 1-2) a liquid dispensing apparatus comprising: two or more vessels (cylinders, 80, 82, 280, 282) configured to be filled with liquid; a flow passage (224, 238) configured and arranged to enable the liquid to communicate between the two or more vessels (see Fig 2, the liquid coming out of each of the cylinders communicate within the flow passage disposed between the

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two vessels); a valve including a spray nozzle (dispensing tip 39, 239) for dispensing the liquid from the flow passage; a first pressurizing device (70,270) to apply a predetermined pressure to at least one vessel of the two or more vessels (80, 280); a second pressurizing device (72,272) for setting a pressure of at least one remaining vessel at a lower level than the predetermined pressure of the at least one vessel (82, 282); and a flow rate restricting member (screws 50, 250, drive mechanism 60, 260 in communication with a controller 102) capable of regulating a flow rate of the liquid flowing between the two vessels in the flow passage when the first pressurizing device applies the predetermined pressure to the at least one vessel of the two or more vessels and the second pressurizing device sets the pressure of the at least one remaining vessel at the lower level than the predetermined pressure of the at least one vessel.

As to claim 18, Strecker discloses a flow rate-restricting member (screws 50,250) positioned inside of the flow passage.

As to claim 19, Strecker discloses a flow rate-restricting member (screws 50,250) positioned in the flow passage between each of the two or more vessels and the valve.

As to claim 20, Strecker discloses the pressurizing devices (70, 72, 270,272) intermittently apply a pressure to each vessel.

With respect to claim 25, in Strecker the flow-restricting member includes screws (raising and lowering the screw) correspond to the on/off valve having an orifice as described in applicants' Fig 3.

As to claim 26, Strecker discloses (see Fig 2) vessels that are syringes.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strecker (US 6,691,895) in view of Yanagita et al (US 6,540,104).

Strecker lacks teaching the pressurizing device or delivery mechanism using compressed gas to apply pressure to the plunger. However, it is well known in the art to use compressed gas for a delivery mechanism of a plunger or piston type as taught by Yanagita et al (see Fig 4 and columns 2-3, lines 67-68 and 1-4 respectively). It would have been obvious to one of ordinary skill in the art at the time the invention was made

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to include pressurizing devices or other delivery mechanism using compressed gas to apply pressure to the plunger in Strecker as an alternative way of delivering mechanism of the liquid material and the selection of any of these known equivalents to compressed gas pressurizing means would be within the level of ordinary skill in the art.

7. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strecker (US 6,691,895) in view of Hunter et al (US 6,672,519). Strecker et al lacks teaching a spray nozzle atomizing the liquid using a gas. However, a spray nozzle using a gas to atomize the liquid material is well known in the art; for instance – Hunter et al discloses (see Fig 4) a spray nozzle using a gas to atomize the liquid material. It would have been obvious to one of ordinary skill in the art at the time the invention was made to include a spray nozzle using a gas to atomize the liquid in Strecker to form desired pattern of liquid material (see column 4, lines 41-52).

### ***Response to Arguments***

8. Applicant's arguments with respect to claims 17-26 have been considered but are moot in view of the new ground(s) of rejection.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Cline et al (US 5,857,589) and White et al (US 5,819,983) disclose a liquid dispensing apparatus with two or more vessels and a flow passage

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constructed and arranged to enable the liquid to communicate between the two or more vessels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



YTT